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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/014,194

11/13/2001

Srinivas Gutta

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11/17/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

LONSBERRY, HUNTER B

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,194

Applicant(s)

GUTTA, SRINIVAS

Examiner

Hunter B. Lonsberry

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10 and 12-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10 and 12-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that the "all or none option" of Maissel teaches away from the present invention (page 10).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In particular, the Examiner notes that Maissel is merely relied upon to teach receiving a selection of at least one third party recommender from said user and obtaining the recommendation from that third party. The steps of adjusting a score based upon a third party recommendation is met by the combination of Gutta and Payton. Thus it is the combination of Gutta, Payton and Maissel, which teach each and every feature of the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-7, 9-10, 12-16, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. Pub. 2002/0174429 to Gutta in view of U.S. Patent 5,790,935 to Payton and U.S. Patent 6,637,029 to Maissel.

Regarding Claim 1, *Gutta et al* disclose a method for generating recommendation scores, which obtains scores from various program recommenders and generates a 3rd party recommendation score in order to facilitate programming selection for a user. (Abstract; Par. [0016]).

Gutta fails to generate a user recommendation score for at least one of said available items that reflects a history of selecting said one or more items by said user and calculating an adjusted recommendation score for said user, wherein said user recommendation score is adjusted based on said third party recommendation score and receiving a selection of a least one third party recommender from the user and obtaining at least one recommendation from that third party recommender.

Payton discloses a recommendation list 58 which is generated based upon ratings of programs (scores) that have been previously requested by a first user (column 5, lines 6-21, column 6, lines 26-40), a collaborative filter is utilized to calculate and adjusted recommendation score for a first user based upon a third party

recommendation score by a user with similar interests, for items which have not yet been viewed by a user and these items are added to the lists of recommended items (figures 6-7b, column 8, line 50-column 9, line 61, the user's score for each unrated item is adjusted so that there is a score for each unrated item), thus expanding viewing selections for a first user to include items they might find interesting based upon viewers with similar interests.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Gutta to utilize the first user scores, calculation of scores, and expansion of recommended items as taught by Payton for the advantage of expanding viewing selections for a first user to include items they might find interesting based upon viewers with similar interests.

The combination of Payton and Gutta fails to disclose receiving a selection of a least one third party recommender from the user and obtaining at least one recommendation from that third party recommender.

Maissel further teaches a user can select whether he or she desires critic recommendations to be included. (Col. 12, Ln. 46-Col. 13, Ln. 9), thus providing flexibility to the user by allowing the user to select the views of critics which match their tastes.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Gutta and Payton to include the selection of third parties as taught by Maissel for the advantage of allowing users to select recommendations, which match their tastes.

Claims 10 and 19 correspond to Claim 1. Thus, each is analyzed and rejected as previously discussed.

Regarding claim 3, in order for the system of Gupta to generate a combined recommendation based upon other third party viewing histories, it must somehow "average" the viewing habits of said third parties.

Claim 12 corresponds to Claim 3. Thus, it is analyzed and rejected as previously discussed.

As to Claims 4 and 13, *Gutta* further teaches the use of a remote recommender. (citations of Claim 1).

Regarding claims 5 and 14, Payton is relied upon to teach that the third party recommendation includes an indication of whether said corresponding recommended item was selected by said third party (column 5, lines 6-45, column 6, lines 36-40). The user has to have used the item before recommending a score, thus indicating the item was selected.

As to Claims 6 and 15, *Gutta* further teaches the recommended items can be programs. (citations of Claim 1).

As to Claims 7 and 16, *Gutta* further teaches the recommended items can be "content" (i.e., programs can be broadly interpreted as "content"). (citations of Claim 6). Accordingly, *Gutta et al* anticipate each and every limitation of Claim 7.

Regarding claims 9 and 18, the combination of *Gutta* and *Payton* discloses a recommendation list, which incorporates the ratings of third users.

Maissel further teaches a user can select whether he or she desires critic recommendations to be included. (Col. 12, Ln. 46-Col. 13, Ln. 9), thus providing flexibility to the user by allowing the user to select the views of critics which match their tastes.

3. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. Pub. 2002/0174429 to *Gutta* in view of U.S. Patent 5,790,935 to *Payton* and U.S. Patent 6,637,029 to *Maissel* in further view of U.S. Patent 5,754,939 to *Herz*.

Regarding claims 8 and 17, the combination of *Gutta* and *Payton* discloses a recommendation list, which rates a variety of programs.

The combination of *Gutta*, *Payton* and *Maissel* fails to disclose rating products.

Within the same field of endeavor, *Herz et al* disclose a similar system, which also provides products. (Col. 6, Ln. 34-Col. 7, Ln. 10), thus enabling a user to take advantage of learning more about various products and services and providing an additional revenue stream for programming providers.

Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to modify the combination of Gutta, Payton and Maissel with the shopping features of Herz in order to provide a system with more user interactive services in order to allow a user to learn more about various products and services and providing an additional revenue stream for programming providers.

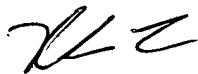
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HBL

Hunter B. Longborn
Patent Examiner
Art Unit 2623